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**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

PACIFIC COAST FEDERATION OF  
FISHERMEN'S ASSOCIATIONS, *et al.*,

Plaintiffs,

v.

HOWARD LUTNICK, in his official capacity  
as Secretary of Commerce, *et al.*,

Defendants.

Case No. 1:20-cv-00431-JLT-EPG

**STIPULATION AND (PROPOSED)  
ORDER OF DISMISSAL**

**RECITALS**

Whereas, *PCFFA* Plaintiffs filed this action against Federal Defendants on December 2, 2019, challenging the adoption of a pair of biological opinions (“2019 Biological Opinions”) issued pursuant to the Endangered Species Act (“ESA”) regarding the long-term operation of the Central Valley Project and State Water Project (“Water Projects”), and the associated 2019 Environmental Impact Statement (“EIS”) and 2020 Record of Decision issued under the National Environmental Policy Act, (“NEPA”), *see* Dkts. 1, 52;

Whereas, multiple Defendant-Intervenors intervened in the case to defend the 2019 Biological Opinions and 2020 Record of Decision;

Whereas, a related case challenging the 2019 Biological Opinions and 2020 Record of Decision, *California Natural Resources Agency v. Ross*, No. 1:20-cv-00426 (“*CNRA*”), was filed on February 20, 2020, and the Court has held joint proceedings in the two related cases;

Whereas, on May 12, 2020, the Court granted in part and denied in part *PCFFA* Plaintiffs’ motion for preliminary injunction, Dkt. 173 at 25; Dkt. 174 at 35;

Whereas, on September 30, 2021, Federal Defendants reinitiated consultation on the challenged 2019 Biological Opinions, *see* Dkt. 394 at 14;

Whereas, on March 11, 2022, the Court granted Federal Defendants’ motion for voluntary remand without vacatur of the 2019 Biological Opinions and 2020 Record of Decision and stayed the litigation through September 30, 2022 so that Federal Defendants could engage in the reconsultation process, *see id.* at 122; Dkt. 395;

Whereas, the Court subsequently continued the stay of the litigation, *see* Dkts. 462, 463, 483, 511, 512, 551;

Whereas, Federal Defendants published new biological opinions regarding the long-term operation of the Water Projects in November and December 2024 (“2024 Biological Opinions”) and issued a new Record of Decision on December 19, 2024, *see* Dkts. 537, 538;

Whereas, on January 24, 2025, the President of the United States issued Executive Order 14191, which directs the Bureau of Reclamation to “take all available measures” to “maximize

1 water delivery... including but not limited to the issuance of a new Record of Decision  
2 maximizing water deliveries and consistent with the [previous] 2020 Record of Decision,” Dkt.  
3 550 at 3;

4 Whereas, Federal Defendants have moved to dismiss this action, arguing that the issuance  
5 of the 2024 Biological Opinions and 2024 Record of Decision moots *PCFFA* Plaintiffs’ claims,  
6 Dkts. 554, 554-1;

7 Whereas, Federal Defendants’ motion represents that “Reclamation is not currently relying  
8 on the 2019 Biological Opinions or 2019 EIS, and it does not intend to do so in the future,” Dkt.  
9 554-1 at 14, and that “Reclamation is not currently relying on the challenged [2019] NEPA and  
10 ESA documents and recognizes that reverting to them ‘is not practical,’” *id.* at 18 (quoting Dkt.  
11 554-2 (Nickels Decl.));

12 Whereas, *PCFFA* Plaintiffs seek to voluntarily dismiss this action without prejudice,

13 Whereas, *PCFFA* Plaintiffs reserve all rights to raise the claims and arguments they have  
14 raised in this action in the future, including if Federal Defendants return to operations set forth in  
15 the 2019 Biological Opinions or 2019 EIS;

16 Whereas, *PCFFA* Plaintiffs reserve the right to seek attorneys’ fees and costs with respect  
17 to this action and Federal Defendants reserve the right to oppose attorneys’ fees and costs with  
18 respect to this action;

19 Whereas, Defendant-Intervenors reserve the right to oppose attorneys’ fees and costs that  
20 *PCFFA* Plaintiffs seek to recover against Defendant-Intervenors, if any;

21 Whereas, all parties who have appeared in this *PCFFA* action are signatories to this  
22 stipulation;

23 Whereas, this stipulation does not address the *CNRA* action;

24 **STIPULATION**

25 NOW THEREFORE, *PCFFA* Plaintiffs, Federal Defendants, and Defendant-Intervenors  
26 hereby stipulate to dismissal of this action without prejudice pursuant to Federal Rule of Civil  
27 Procedure 41(a), and respectfully request that the Court enter the accompanying proposed order  
28

1 dismissing *PCFFA* Plaintiffs' action and setting a briefing schedule for any motion by *PCFFA*  
2 Plaintiffs for attorneys' fees and costs.

3  
4 Respectfully submitted,

5 Dated: December 17, 2025 /s/ Hamilton Candee

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Princeton-Codora-Glenn Irrigation District; Provident  
Irrigation District; River Garden Farms Company; Sutter  
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*District; and Windswept Land and Livestock Company.*

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**[PROPOSED] ORDER**

Pursuant to the parties' stipulation, the Court hereby ORDERS that this action is  
DISMISSED without prejudice pursuant to Federal Rule of Civil Procedure 41(a). Any  
application for fees or costs by *PCFFA* Plaintiffs is due within 60 days after final judgment in this  
action is entered, provided that any party may seek an extension for good cause.

IT IS SO ORDERED.

Dated: **December 18, 2025**

  
UNITED STATES DISTRICT JUDGE